

Application No. 09/851,460

Attorney Docket No.: 9784-3U2 (TH8002US/B)

### REMARKS

Claims 1-20 are presently pending in the application.

Claim 1 has been amended to specify that the sealing layer is one of the two surface layers of the multilayer barrier film, so that the barrier layer is sandwiched between the filled layer and the sealing layer, together with any of the optional adhesive layers. This amendment is supported, for example, in the specific examples at pages 8-10 of the application, wherein the sealing layer is layer E. In addition, new claims 18-20 have been added to claim further preferred embodiments of the present invention. In particular, claim 18 specifies that the inorganic filler consists essentially of a single filler, and claim 19 specifies that this single filler is calcium carbonate. These amendments are supported, for example, at page 3, lines 7-8 and in the specific examples at pages 8-10 (see page 8, line 14). Claim 20 specifies that the multilayer barrier film is sealed to the lidding film by the sealing layer. This claim is supported, for example, at page 6, line 21- page 7, line 6, and by the well known FFS (Form, Fill and Seal) machines and processes described, for example, in the Background Section of the specification and at page 6, lines 3-17.

In addition to the arguments already presented in the Request for Reconsideration filed October 28, 2003, it is submitted that the above amendments serve to further distinguish the presently claimed invention from the prior art. Thus, the only sealing layers disclosed in the Miyazaki et al. reference are further layers sandwiched between layers A and B in order to seal them together (col. 8, lines 20-27). Miyazaki et al. does not disclose a sealing layer which is an outer layer of the multilayer barrier film. The reason for this is simply that Miyazaki is directed to a totally different type of package, namely a cup, which is not sealed to another structure to form a package.

Further, the cups of Miyazaki are made of polyolefin resins filled with a mixture of talc and titanium oxide. In contrast, according to preferred embodiments of the present invention, the filled layer contains only one kind of inorganic filler, preferably calcium carbonate. According to Miyazaki (compare Table 1 and Table 2), in the case where only one kind of filler, namely talc, is present, with no titanium oxide, no paper-like appearance is obtained. In contrast, according to the present invention, it was found that a high quality paper-like appearance can be

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obtained using only a single type of filler, as shown in the specific examples in the specification and the further examples presented in the various Declarations.

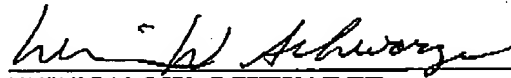
In view of these additional Amendments and Remarks, it is submitted that all of the claims patentably distinguish over the prior art of record. Reconsideration and an early Notice of Allowance are respectfully solicited.

Respectfully submitted,

Ulrich Reiners et al.

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(Date)

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